

Adopted	Rejected
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## COMMITTEE REPORT

YES:	12
NO:	1

### MR. SPEAKER:

*Your Committee on* Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1207, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

1 Delete everything after the enacting clause and insert the following:  
 2 SECTION 1. IC 6-1.1-12.1-3, AS AMENDED BY P.L.90-2002,  
 3 SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 UPON PASSAGE]: Sec. 3. (a) An applicant must provide a statement  
 5 of benefits to the designating body. If the designating body requires  
 6 information from the applicant for economic revitalization area status  
 7 for use in making its decision about whether to designate an economic  
 8 revitalization area, the applicant shall provide the completed statement  
 9 of benefits form to the designating body before the hearing required by  
 10 section 2.5(c) of this chapter. Otherwise, the statement of benefits  
 11 form must be submitted to the designating body before the initiation of  
 12 the redevelopment or rehabilitation for which the person desires to claim  
 13 a deduction under this chapter. The department of local government  
 14 finance shall prescribe a form for the statement of benefits. The  
 15 statement of benefits must include the following information:

1 (1) A description of the proposed redevelopment or rehabilitation.

2 (2) An estimate of the number of individuals who will be employed  
3 or whose employment will be retained by the person as a result of  
4 the redevelopment or rehabilitation and an estimate of the annual  
5 salaries of these individuals.

6 (3) An estimate of the value of the redevelopment or rehabilitation.

7 With the approval of the designating body, the statement of benefits  
8 may be incorporated in a designation application. Notwithstanding any  
9 other law, a statement of benefits is a public record that may be  
10 inspected and copied under IC 5-14-3-3.

11 (b) The designating body must review the statement of benefits  
12 required under subsection (a). The designating body shall determine  
13 whether an area should be designated an economic revitalization area or  
14 whether a deduction should be allowed, based on (and after it has  
15 made) the following findings:

16 (1) Whether the estimate of the value of the redevelopment or  
17 rehabilitation is reasonable for projects of that nature.

18 (2) Whether the estimate of the number of individuals who will be  
19 employed or whose employment will be retained can be reasonably  
20 expected to result from the proposed described redevelopment or  
21 rehabilitation.

22 (3) Whether the estimate of the annual salaries of those individuals  
23 who will be employed or whose employment will be retained can  
24 be reasonably expected to result from the proposed described  
25 redevelopment or rehabilitation.

26 (4) Whether any other benefits about which information was  
27 requested are benefits that can be reasonably expected to result  
28 from the proposed described redevelopment or rehabilitation.

29 (5) Whether the totality of benefits is sufficient to justify the  
30 deduction.

31 A designating body may not designate an area an economic revitalization  
32 area or approve a deduction unless the findings required by this  
33 subsection are made in the affirmative.

34 (c) Except as provided in subsections (a) through (b), the owner of  
35 property which is located in an economic revitalization area is entitled  
36 to a deduction from the assessed value of the property. If the area is a  
37 residentially distressed area, the period is not more than five (5) years.

For all other economic revitalization areas designated before July 1, 2000, the period is three (3), six (6), or ten (10) years. For all economic revitalization areas designated after June 30, 2000, the period is the number of years determined under subsection (d). The owner is entitled to a deduction if:

- (1) the property has been rehabilitated; or
- (2) the property is located on real estate which has been redeveloped.

The owner is entitled to the deduction for the first year, and any successive year or years, in which an increase in assessed value resulting from the rehabilitation or redevelopment occurs and for the following years determined under subsection (d). However, property owners who had an area designated an urban development area pursuant to an application filed prior to January 1, 1979, are only entitled to a deduction for a five (5) year period. In addition, property owners who are entitled to a deduction under this chapter pursuant to an application filed after December 31, 1978, and before January 1, 1986, are entitled to a deduction for a ten (10) year period.

(d) For an area designated as an economic revitalization area after June 30, 2000, that is not a residentially distressed area, the designating body shall determine the number of years for which the property owner is entitled to a deduction. However, the deduction may not be allowed for more than ten (10) years. This determination shall be made:

- (1) as part of the resolution adopted under section 2.5 of this chapter; or
- (2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor who shall make the deduction as provided in section 5 of this chapter.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

(e) Except for deductions related to redevelopment or rehabilitation of real property in a county containing a consolidated city or a deduction related to redevelopment or rehabilitation of real property initiated before December 31, 1987, in areas designated as economic

revitalization areas before that date, a deduction for the redevelopment or rehabilitation of real property may not be approved for the following facilities:

- (1) Private or commercial golf course.
- (2) Country club.
- (3) Massage parlor.
- (4) Tennis club.
- (5) Skating facility (including roller skating, skateboarding, or ice skating).
- (6) Racquet sport facility (including any handball or racquetball court).
- (7) Hot tub facility.
- (8) Suntan facility.
- (9) Racetrack.
- (10) Any facility the primary purpose of which is:
  - (A) retail food and beverage service;
  - (B) automobile sales or service; or
  - (C) other retail;
 unless the facility is located in an economic development target area established under section 7 of this chapter.
- (11) Residential, unless:
  - (A) the facility is a multifamily facility that contains at least twenty percent (20%) of the units available for use by low and moderate income individuals;
  - (B) the facility is located in an economic development target area established under section 7 of this chapter; or
  - (C) the area is designated as a residentially distressed area.
- (12) A package liquor store that holds a liquor dealer's permit under IC 7.1-3-10 or any other entity that is required to operate under a license issued under IC 7.1. This subdivision does not apply to an applicant that:
  - (A) was eligible for tax abatement under this chapter before July 1, 1995; ~~or~~
  - (B) is described in IC 7.1-5-7-11; **or**
  - (C) operates a facility under:**
    - (i) a beer wholesaler's permit under IC 7.1-3-3;**
    - (ii) a liquor wholesaler's permit under IC 7.1-3-8; or**

**(iii) a wine wholesaler's permit under IC 7.1-3-13;  
for which the applicant claims a deduction under this  
chapter.**

(f) This subsection applies only to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). Notwithstanding subsection (e)(11), in a county subject to this subsection a designating body may, before September 1, 2000, approve a deduction under this chapter for the redevelopment or rehabilitation of real property consisting of residential facilities that are located in unincorporated areas of the county if the designating body makes a finding that the facilities are needed to serve any combination of the following:

- (1) Elderly persons who are predominately low-income or moderate-income persons.
- (2) Disabled persons.

A designating body may adopt an ordinance approving a deduction under this subsection only one (1) time. This subsection expires January 1, 2011.

SECTION 2. IC 7.1-2-3-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 16.5. (a) As used in this section, "facility" includes the following:

- (1) A facility to which IC 7.1-3-1-25(a) applies.
- (2) A tract that contains a premises that is described in ~~IC 7.1-3-1-14(c)(2)~~. **IC 7.1-3-1-14(c)(2).**
- (3) A horse track or satellite facility to which IC 7.1-3-17.7 applies.
- (4) A tract that contains an entertainment complex.

(b) As used in this section, "tract" has the meaning set forth in IC 6-1.1-1-22.5.

(c) A facility may advertise alcoholic beverages:

- (1) in the facility's interior; or
- (2) on the facility's exterior.

(d) The commission may not exercise the prohibition power contained in section 16(a) of this chapter on advertising by a brewer, distiller, rectifier, or vintner in or on a facility.

(e) Notwithstanding IC 7.1-5-5-10 and IC 7.1-5-5-11, a facility may provide advertising to a permittee that is a brewer, distiller, rectifier, or

1 vintner in exchange for compensation from that permittee.

2 SECTION 3. IC 7.1-3-1-14, AS AMENDED BY P.L.136-2000,  
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2004]: Sec. 14. (a) It is lawful for an appropriate permittee,  
5 unless otherwise specifically provided in this title, to sell alcoholic  
6 beverages each day Monday through Saturday from 7 a.m., prevailing  
7 local time, until 3 a.m., prevailing local time, the following day. Sales  
8 shall cease wholly on Sunday at 3 a.m., prevailing local time, and not be  
9 resumed until the following Monday at 7 a.m., prevailing local time.

10 (b) It is lawful for the holder of a supplemental retailer's permit  
11 ~~which is not specified in subsection (c)~~ to sell the appropriate alcoholic  
12 beverages on Sunday from ~~noon~~, 10 a.m., prevailing local time, until  
13 ~~12:30 a.m.~~, 3 a.m., prevailing local time, the following day.

14 ~~(c) It is lawful for the holder of a supplemental retailer's permit to~~  
15 ~~sell the appropriate alcoholic beverages on Sunday from 11:00 a.m.,~~  
16 ~~prevailing local time, until 12:30 a.m., prevailing local time, the~~  
17 ~~following day if the holder of the permit meets the following criteria:~~

18 ~~(1) the holder of the permit is a hotel; or~~

19 ~~(2) the holder of the permit meets the requirements of 905~~  
20 ~~IAC 1-41-2(a).~~

21 ~~(d) Notwithstanding subsections (b) and (c), if December 31 (New~~  
22 ~~Year's Eve) is on a Sunday, it is lawful for the holder of a supplemental~~  
23 ~~retailer's permit to sell the appropriate alcoholic beverages on Sunday,~~  
24 ~~December 31 from the time provided in subsection (b) or (c) until 3~~  
25 ~~a.m. the following day.~~

26 ~~(e) (c)~~ It is lawful for the holder of a permit under this article to sell  
27 alcoholic beverages at athletic or sports events held on Sunday upon  
28 premises that:

29 (1) are described in section 25(a) of this chapter;

30 (2) are a facility used in connection with the operation of a paved  
31 track more than two (2) miles in length that is used primarily in  
32 the sport of auto racing; or

33 (3) are being used for a professional or an amateur tournament;  
34 beginning one (1) hour before the scheduled starting time of the event  
35 or, if the scheduled starting time of the event is 1 p.m. or later,  
36 beginning at noon.

37 ~~(f) (d)~~ It is lawful for the holder of a valid beer, wine, or liquor

1 wholesaler's permit to sell to the holder of a valid retailer's or dealer's  
2 permit at any time.

3 SECTION 4. IC 7.1-3-2-7, AS AMENDED BY P.L.177-1999,  
4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2004]: Sec. 7. The holder of a brewer's permit or an  
6 out-of-state brewer holding either a primary source of supply permit or  
7 an out-of-state brewer's permit may do the following:

- 8 (1) Manufacture beer.
- 9 (2) Place beer in containers or bottles.
- 10 (3) Transport beer.
- 11 (4) Sell and deliver beer to a person holding a beer wholesaler's  
12 permit issued under IC 7.1-3-3.
- 13 (5) If the brewer's brewery manufactures not more than twenty  
14 thousand (20,000) barrels of beer in a calendar year, do the  
15 following:
  - 16 (A) Sell and deliver beer to a person holding a retailer or a  
17 dealer permit under this title.
  - 18 (B) Be the proprietor of a restaurant.
  - 19 (C) Hold a beer retailer's permit, a wine retailer's permit, or a  
20 liquor retailer's permit for a restaurant established under clause  
21 (B).
  - 22 (D) Transfer beer directly from the brewery to the restaurant  
23 by means of:
    - 24 (i) bulk containers; or
    - 25 (ii) a continuous flow system.
  - 26 (E) Install a window between the brewery and an adjacent  
27 restaurant that allows the public and the permittee to view both  
28 premises.
  - 29 (F) Install a doorway or other opening between the brewery  
30 and an adjacent restaurant that provides the public and the  
31 permittee with access to both premises.
  - 32 **(G) Sell the brewery's beer by the glass for consumption**  
33 **on the premises.**
- 34 (6) If the brewer's brewery manufactures more than twenty  
35 thousand (20,000) barrels of beer in a calendar year, own a  
36 portion of the corporate stock of another brewery that:
  - 37 (A) is located in the same county as the brewer's brewery;

1 (B) manufactures less than twenty thousand (20,000) barrels  
2 of beer in a calendar year; and

3 (C) is the proprietor of a restaurant that operates under  
4 subdivision (5).

5 (7) Sell and deliver beer to a consumer at the plant of the brewer  
6 or at the residence of the consumer. The delivery to a consumer  
7 shall be made only in a quantity at any one (1) time of not more  
8 than one-half (1/2) barrel, but the beer may be contained in bottles  
9 or other permissible containers.

10 (8) Provide complimentary samples of beer that are:

11 (A) produced by the brewer; and

12 (B) offered to consumers for consumption on the brewer's  
13 premises.

14 (9) Own a portion of the corporate stock of a sports corporation  
15 that:

16 (A) manages a minor league baseball stadium located in the  
17 same county as the brewer's brewery; and

18 (B) holds a beer retailer's permit, a wine retailer's permit, or a  
19 liquor retailer's permit for a restaurant located in that stadium.

20 (10) For beer described in IC 7.1-1-2-3(a)(4):

21 (A) may allow transportation to and consumption of the beer  
22 on the licensed premises; and

23 (B) may not sell, offer to sell, or allow sale of the beer on the  
24 licensed premises.

25 SECTION 5. IC 7.1-3-9-11, AS ADDED BY P.L.12-1999,  
26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2004]: Sec. 11. (a) A liquor retailer may allow customers to  
28 sample the following:

29 (1) **Beer.**

30 (2) Wines.

31 ~~(2)~~ (3) Liquors.

32 ~~(3)~~ (4) Liqueurs and cordials (as defined in 27 CFR 5.22(h)).

33 (b) Sampling is permitted only:

34 (1) on the liquor retailer's permit premises; and

35 (2) during the permittee's regular business hours.

36 (c) A liquor retailer may not charge for the samples provided to  
37 customers.



(d) Sample size of wines may not exceed one (1) ounce.

(e) In addition to the other provisions of this section, a liquor retailer who allows customers to sample liquors, liqueurs, or cordials shall comply with all of the following:

(1) A liquor retailer may allow a customer to sample only a combined total of two (2) liquor, liqueur, or cordial samples per day.

(2) Sample size of liqueurs or cordials may not exceed one-half (1/2) ounce.

(3) Sample size of liquors may not exceed four-tenths (0.4) ounce.

**(f) A sample size of beer may not exceed six (6) ounces.**

SECTION 6. IC 7.1-3-9-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 12. (a) This section applies to:**

- (1) the holder of a three-way permit that is issued to a civic center, a sports arena, a stadium, an exhibition hall, an auditorium, a theater, a tract that contains a premises that is described in IC 7.1-3-1-14(c)(2), or a convention center; or**
- (2) the holder of a catering permit while catering alcoholic beverages at a civic center, a sports arena, a stadium, an exhibition hall, an auditorium, a theater, a tract that contains a premises that is described in IC 7.1-3-1-14(c)(2), or a convention center.**

**(b) As used in this section, "suite" means an area in a building or facility referred to in subsection (a) that:**

- (1) is not accessible to the general public;**
- (2) has accommodations for not more than seventy-five (75) persons per suite; and**
- (3) is accessible only to persons who possess a ticket:**
  - (A) to an event in a building or facility referred to in subsection (a); and**
  - (B) that entitles the person to occupy the area while viewing the event described in clause (A).**

**The term does not include a restaurant, lounge, or concession area even if access to the restaurant, lounge, or concession area**

1 **is limited to certain ticket holders.**

2 **(c) A permittee may allow the self-service of individual servings**  
 3 **of alcoholic beverages in a suite.**

4 **(d) A person who:**

5 **(1) possesses a ticket described in subsection (b)(3); and**

6 **(2) is at least twenty-one (21) years of age;**

7 **may obtain an alcoholic beverage in a suite by self-service.**

8 **(e) A permittee may do any of the following:**

9 **(1) Demand that a person occupying a suite provide:**

10 **(A) a written statement under IC 7.1-5-7-4; and**

11 **(B) identification indicating that the person is at least**  
 12 **twenty-one (21) years of age.**

13 **(2) Supervise the self-service of alcoholic beverages.**

14 **(3) Have an employee in the suite who holds an employee**  
 15 **permit under IC 7.1-3-18-9 to serve some or all of the**  
 16 **alcoholic beverages.**

17 **SECTION 7. IC 7.1-3-10-13, AS AMENDED BY P.L.12-1999,**  
 18 **SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**  
 19 **JULY 1, 2004]: Sec. 13. (a) A liquor dealer permittee who is a**  
 20 **proprietor of a package liquor store may allow customers to sample the**  
 21 **following:**

22 **(1) Beer.**

23 **(2) Wines.**

24 ~~**(3) Liquors.**~~

25 ~~**(3)**~~ **(4) Liqueurs and cordials (as defined in 27 CFR 5.22(h)).**

26 **(b) Sampling is permitted:**

27 **(1) only on the package liquor store permit premises; and**

28 **(2) only during the store's regular business hours.**

29 **(c) No charge may be made for the samples provided to the**  
 30 **customers.**

31 **(d) Sample size of wines may not exceed one (1) ounce.**

32 **(e) In addition to the other provisions of this section, a proprietor**  
 33 **who allows customers to sample liquors, liqueurs, or cordials shall**  
 34 **comply with all of the following:**

35 **(1) A proprietor may allow a customer to sample not more than a**  
 36 **combined total of two (2) liquor, liqueur, or cordial samples per**

1 day.

2 (2) Sample size of liqueurs or cordials may not exceed one-half  
3 (1/2) ounce.

4 (3) Sample size of liquors may not exceed four-tenths (0.4)  
5 ounce.

6 **(f) Sample size of beer may not exceed six (6) ounces.**

7 SECTION 8. IC 7.1-3-17.5-6, AS ADDED BY P.L.250-2003,  
8 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2004]: Sec. 6. Notwithstanding IC 7.1-5-5-7, the holder of an  
10 excursion and adjacent landsite permit may, subject to the approval of  
11 the commission, provide alcoholic beverages to guests without charge  
12 at an event on the licensed premises if all the following requirements are  
13 met:

14 (1) The event is attended by not more than ~~five hundred (500)~~ **one**  
15 **thousand (1,000)** guests.

16 (2) The event is not more than ~~three (3)~~ **six (6)** hours in duration.

17 (3) Each alcoholic beverage dispensed to a guest:

18 (A) is entered into a cash register that records and itemizes on  
19 the cash register tape each alcoholic beverage dispensed; and

20 (B) is entered into a cash register as a sale and at the same  
21 price that is charged to the general public.

22 (4) At the conclusion of the event, all alcoholic beverages  
23 recorded on the cash register tape are paid by the holder of the  
24 excursion and adjacent landsite permit.

25 (5) All records of the alcoholic beverage sales, including the cash  
26 register tape, shall be maintained by the holder of the excursion  
27 and adjacent landsite permit for not less than two (2) years.

28 (6) The holder of the excursion and adjacent landsite permit  
29 complies with the rules of the commission.

30 SECTION 9. IC 7.1-3-20-16.1 IS ADDED TO THE INDIANA  
31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2004]: **Sec. 16.1. (a) This section applies to a municipal**  
33 **riverfront development project authorized under section 16(d) of**  
34 **this chapter.**

35 **(b) In order to qualify for a permit, an applicant must**  
36 **demonstrate that the municipal riverfront development project**  
37 **area where the permit is to be located meets the following**

1       **criteria:**

2               **(1) The project boundaries must border on at least one (1)**  
 3               **side of a river.**

4               **(2) The proposed permit premises may not be located more**  
 5               **than one thousand five hundred (1,500) feet or three (3) city**  
 6               **blocks from the river, whichever is greater.**

7               **(3) The project must be funded in part with state and city**  
 8               **money.**

9               **(4) The boundaries of the municipal riverfront development**  
 10              **project must be designated by ordinance or resolution by the**  
 11              **legislative body (as defined in IC 36-1-2-9(3) or**  
 12              **IC 36-1-2-9(4)) of the city in which the project is located.**

13              **(c) Proof of compliance with subsection (b) must consist of the**  
 14              **following documentation, which is required at the time the permit**  
 15              **application is filed with the commission:**

16              **(1) A detailed map showing:**

17                      **(A) definite boundaries of the entire municipal riverfront**  
 18                      **development project; and**

19                      **(B) the location of the proposed permit within the project.**

20              **(2) A copy of the local ordinance or resolution of the local**  
 21              **governing body authorizing the municipal riverfront**  
 22              **development project.**

23              **(3) Detailed information concerning the expenditures of state**  
 24              **and city funds on the municipal riverfront development**  
 25              **project.**

26              **(d) At the request of the city executive with the approval of the**  
 27              **city legislative body, the commission may consider an application**  
 28              **for a proposed permit premises, the location of which does not**  
 29              **meet the criteria of subsection (b)(2), if all other requirements of**  
 30              **this section and section 16(d) of this chapter are satisfied.**

31              **(e) A permit may not be issued if the proposed permit premises**  
 32              **is the location of an existing three-way permit subject to**  
 33              **IC 7.1-3-22-3.**

34              SECTION 10. IC 7.1-3-21-3 IS AMENDED TO READ AS  
 35              FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. ~~Residency~~

~~Requirements.~~ (a) The commission shall not issue:

(1) an alcoholic beverage ~~wholesaler's~~, retailer's or dealer's permit of any type; or

**(2) a wine wholesaler's or liquor wholesaler's permit;**

to a person who has not been a continuous and bona fide resident of this state for five (5) years immediately preceding the date of the application for a permit.

**(b) The commission may issue a beer wholesaler's permit to a person who is:**

**(1) not a resident of Indiana at the time the person applies for a beer wholesaler's permit; and**

**(2) a resident of Indiana before final approval of the permit transfer or issuance by the commission.**

SECTION 11. IC 7.1-3-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) ~~Corporations.~~ The commission shall not issue:

(1) an alcoholic beverage ~~wholesaler's~~, retailer's or dealer's permit of any type; or

**(2) a wine wholesaler's or liquor wholesaler's permit;**

to a corporation unless sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of this state for five (5) years.

**(b) The commission may issue a beer wholesaler's permit to a corporation if at least sixty percent (60%) of the outstanding common stock is owned by persons who are:**

**(1) not residents of Indiana at the time the application is made to the commission for a beer wholesaler's permit; and**

**(2) residents of Indiana before final approval of the permit transfer or issuance by the commission.**

**(c) The commission shall not issue ~~an alcoholic beverage~~ a liquor wholesaler's permit ~~of any type~~ to a corporation unless at least one (1) of the stockholders shall have been a resident, for at least one (1) year immediately prior to making application for the permit, of the county in which the licensed premises are to be situated.**

~~(c)~~ **(d)** Each officer and stockholder of a corporation shall possess all other qualifications required of an individual applicant for that

1 particular type of permit.

2 SECTION 12. IC 7.1-3-21-5.2 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5.2. (a) The  
4 commission shall not issue:

5 (1) an alcoholic beverage ~~wholesalers, retailers~~ **retailer's** or  
6 ~~dealers~~ **dealer's** permit of any type; or

7 (2) **a wine wholesaler's or liquor wholesaler's permit;**  
8 to a limited partnership unless at least sixty percent (60%) of the  
9 partnership interest is owned by persons who have been continuous and  
10 bona fide residents of Indiana for five (5) years.

11 (b) **The commission may issue a beer wholesaler's permit to a**  
12 **limited partnership if at least sixty percent (60%) of the**  
13 **partnership interest is owned by persons who are:**

14 (1) **not residents of Indiana at the time the application is**  
15 **made to the commission for a beer wholesaler's permit; and**

16 (2) **residents of Indiana before final approval of the permit**  
17 **transfer or issuance by the commission.**

18 (c) The commission shall not issue ~~an alcoholic beverage~~ **a liquor**  
19 **wholesaler's permit of any type** to a limited partnership unless for at  
20 least one (1) year immediately before making application for the permit,  
21 at least one (1) of the persons having a partnership interest has been a  
22 resident of the county in which the licensed premises are to be situated.

23 ~~(c)~~ (d) Each general partner and limited partner of a limited  
24 partnership must possess all other qualifications required of an  
25 individual applicant for that particular type of permit.

26 SECTION 13. IC 7.1-3-21-5.4 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5.4. (a) The  
28 commission shall not issue:

29 (1) an alcoholic beverage ~~wholesalers, retailers~~ **retailer's** or  
30 ~~dealers~~ **dealer's** permit of any type; or

31 (2) **a wine wholesaler's or liquor wholesaler's permit;**  
32 to a limited liability company unless at least sixty percent (60%) of the  
33 membership interest is owned by persons who have been continuous  
34 and bona fide residents of Indiana for five (5) years.

35 (b) **The commission may issue a beer wholesaler's permit to a**  
36 **limited liability company if at least sixty percent (60%) of the**

1 **membership interest is owned by persons who are:**

- 2 **(1) not residents of Indiana at the time the application is**  
 3 **made to the commission for a beer wholesaler's permit; and**  
 4 **(2) residents of Indiana before final approval of the permit**  
 5 **transfer or issuance by the commission.**

6 **(c)** The commission shall not issue ~~an alcoholic beverage~~ **a liquor**  
 7 wholesaler's permit ~~of any type~~ to a limited liability company unless for  
 8 at least one (1) year immediately before making application for the  
 9 permit, at least one (1) of the persons having a membership interest has  
 10 been a resident of the county in which the licensed premises are to be  
 11 situated.

12 ~~(c)~~ **(d)** Each manager and member of a limited liability company  
 13 must possess all other qualifications required of an individual applicant  
 14 for that particular type of permit.

15 SECTION 14. IC 7.1-5-7-11, AS AMENDED BY P.L.117-2000,  
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 UPON PASSAGE]: Sec. 11. (a) The provisions of sections 9 and 10 of  
 18 this chapter shall not apply if the public place involved is one (1) of the  
 19 following:

- 20 (1) Civic center.  
 21 (2) Convention center.  
 22 (3) Sports arena.  
 23 (4) Bowling center.  
 24 (5) Bona fide club.  
 25 (6) Drug store.  
 26 (7) Grocery store.  
 27 (8) Boat.  
 28 (9) Dining car.  
 29 (10) Pullman car.  
 30 (11) Club car.  
 31 (12) Passenger airplane.  
 32 (13) Horse racetrack facility holding a recognized meeting permit  
 33 under IC 4-31-5.  
 34 (14) Satellite facility (as defined in IC 4-31-2-20.5).  
 35 (15) Catering hall under IC 7.1-3-20-24 that is not open to the  
 36 public.  
 37 (16) That part of a hotel or restaurant which is separate from a

room in which is located a bar over which alcoholic beverages are sold or dispensed by the drink.

(17) Entertainment complex.

(18) Indoor golf facility.

(19) A recreational facility such as a golf course, bowling center, or similar facility to which IC 7.1-3-16.5-2(c) applies.

**(20) A licensed premises owned or operated by an educational institution of higher learning (as defined in IC 20-12-15-1).**

**(21) An automobile race track.**

(b) For the purpose of this subsection, "food" means meals prepared on the licensed premises. It is lawful for a minor to be on licensed premises in a room in which is located a bar over which alcoholic beverages are sold or dispensed by the drink if all the following conditions are met:

(1) The minor is eighteen (18) years of age or older.

(2) The minor is in the company of a parent, guardian, or family member who is twenty-one (21) years of age or older.

(3) The purpose for being on the licensed premises is the consumption of food and not the consumption of alcoholic beverages.

SECTION 15. IC 7.1-5-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. ~~Retailer Owning Interest in Another Permit Prohibited.~~ **(a) Except as provided in subsection (b), it is unlawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in a manufacturer's or wholesaler's permit of any type.**

**(b) It is lawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in a brewer's permit for a brewery that manufactures not more than twenty thousand (20,000) barrels of beer in a calendar year.**

SECTION 16. IC 7.1-5-9-5 IS REPEALED [EFFECTIVE JULY 1, 2004].

SECTION 17. [EFFECTIVE UPON PASSAGE] ~~IC 6-1.1-12.1-3, as amended by this act, applies to property taxes first due and payable after December 31, 2004.~~

SECTION 18. [EFFECTIVE JULY 1, 2004] ~~IC 7.1-3-20-16.1, as~~



1       **added by this act, applies to an application for a permit received**  
2       **after June 30, 2004.**

3       SECTION 19. [EFFECTIVE JULY 1, 2004] (a) **This SECTION**  
4       **applies to a permit issued before July 1, 2004, under IC 7.1-3-21-3.**

1           **(b) A permit described in subsection (a) that does not meet the**  
2           **requirements of IC 7.1-3-21-3 (as it existed on June 30, 2004) is**  
3           **valid and enforceable.**

4           **SECTION 20. An emergency is declared for this act.**  
              (Reference is to HB 1207 as introduced.)

**and when so amended that said bill do pass.**

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Representative Lytle